

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SAMUEL F. VALDEZ,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS,
et al.,

Defendants.

CASE NO. C20-5189 BHS

ORDER

THIS MATTER is before the Court on limited remand from the Ninth Circuit to address whether pro se Plaintiff Valdez's *in forma pauperis* status should continue on appeal. The Court must determine whether Valdez's appeal is frivolous or taken in bad faith. *See* 28 U.S.C. § 1915(a)(3).

The Court adopted the Magistrate Judge's Report and Recommendation and dismissed Valdez's claims with prejudice and without leave to amend because they were facially time barred, because the Department of Corrections is not a person for purposes of § 1983, and because Defendant Judge Douglas Goelz is entitled to absolute judicial immunity as a matter of law. Dkt. 57.

1 In this Court's view, these were not close questions. It does not conclude that
2 Valdez is appealing in bad faith, but it must conclude that his appeal is frivolous.
3 Valdez's *in forma pauperis* status should NOT continue for his appeal of the Court's
4 Order and Judgment.

5 IT IS SO ORDERED.

6 Dated this 13th day of September, 2022.

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9 BENJAMIN H. SETTLE
10 United States District Judge
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